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AG-15, Dec 23, 1980, Order of Detention Pending Trial

MAY - 4 2006

UNITED STATES DISTRICT COURT

Western

District of Louisiana

ROBERT H. SHENWELL, CLERK  
WESTERN DISTRICT OF THE UNITED STATES OF AMERICA

V.

**ORDER OF DETENTION PENDING TRIAL**

Case

2005 CR 20073-001

Defendant

93 20004

In accordance with the Bail Reform Act, 18 U.S.C. § 3142(f), a detention hearing has been held. I conclude that the following facts require the detention of the defendant pending trial in this case. *a revocation hearing*

**Part I—Findings of Fact**

(1) The defendant is charged with an offense described in 18 U.S.C. § 3142(f)(1) and has been convicted of a  federal offense  state or local offense that would have been a federal offense if a circumstance giving rise to federal jurisdiction had existed—that is  a crime of violence as defined in 18 U.S.C. § 3156(a)(4).  
 an offense for which the maximum sentence is life imprisonment or death.  
 an offense for which a maximum term of imprisonment of ten years or more is prescribed in  a felony that was committed after the defendant had been convicted of two or more prior federal offenses described in 18 U.S.C. § 3142(f)(1)(A)-(C), or comparable state or local offenses.

(2) The offense described in finding (1) was committed while the defendant was on release pending trial for a federal, state or local offense.

(3) A period of not more than five years has elapsed since the  date of conviction  release of the defendant from imprisonment for the offense described in finding (1).

(4) Findings Nos. (1), (2) and (3) establish a rebuttable presumption that no condition or combination of conditions will reasonably assure the safety of (an) other person(s) and the community. I further find that the defendant has not rebutted this presumption.

**Alternative Findings (A)**

(1) There is probable cause to believe that the defendant has committed an offense  for which a maximum term of imprisonment of ten years or more is prescribed in  under 18 U.S.C. § 924(c).  
 (2) The defendant has not rebutted the presumption established by finding 1 that no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of the community.

**Alternative Findings (B)**

(1) There is a serious risk that the defendant will not appear.  
 (2) There is a serious risk that the defendant will endanger the safety of another person or the community.

Defendant knowingly, competently, and voluntarily waived his right to a detention hearing.

**Part II—Written Statement of Reasons for Detention**

I find that the credible testimony and information submitted at the hearing establishes by  clear and convincing evidence  a preponderance of the evidence that

no combination of conditions, short of detention, will reasonably assure the defendant's appearance as required and the safety of others. This conclusion is based on the fact that there is probable cause for a revocation of supervised release hearing and defendant has failed to present any evidence that there are conditions that will reasonably assure his appearance and that he will not be a danger to others.

**Part III—Directions Regarding Detention**

The defendant is committed to the custody of the Attorney General or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility shall deliver the defendant to the United States marshal for the purpose of an appearance in connection with a court proceeding.

May 4, 2006

Date

*Alonzo P. Wilson*  
Signature of Judicial Officer

Alonzo P. Wilson, U.S. Magistrate Judge

Name and Title of Judicial Officer

\*Insert as applicable: (a) Controlled Substances Act (21 U.S.C. § 801 *et seq.*); (b) Controlled Substances Import and Export Act (21 U.S.C. § 951 *et seq.*); or (c) Section 1 of Act of Sept. 15, 1980 (21 U.S.C. § 955a).